UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE) MDL No. 1456
LITIGATION)
) Civil Action No. 01-12257-PBS
THIS DOCUMENT DELATES TO.) Subsetta com: No. 06 11227 DDC
THIS DOCUMENT RELATES TO:) Subcategory No. 06-11337-PBS
United States of America ex rel. Ven-a-Care of) Hon. Patti B. Saris
the Florida Keys, Inc. v. Abbott Laboratories,)
Inc., Civil Action No. 06-11337-PBS;)
)
United States of America ex rel. Ven-a-Care of)
the Florida Keys, Inc. v. Dey, Inc., et al., Civil)
Action No. 05-11084-PBS; and)
)
United States of America ex rel. Ven-a-Care of)
the Florida Keys, Inc. v. Boehringer Ingelheim)
Corp., et al., Civil Action No. 07-10248-PBS)

DECLARATION OF SUSAN SCHNEIDER THOMAS SUBMITTING EXHIBITS RELIED UPON IN VEN-A-CARE OF THE FLORIDA KEYS, INC.'S COMBINED OPPOSITION TO MOTIONS TO DISMISS FILED BY ABBOTT, DEY AND ROXANE

- I, Susan Schneider Thomas, do hereby declare as follows:
- 1. I am a shareholder at the firm of Berger & Montague, P.C., co-counsel for plaintiff Ven-A-Care of the Florida Keys, Inc.
- 2. Attached hereto as Exhibit A is a listing of the exhibits filed with Ven-A-Care of the Florida Keys Inc.'s Combined Opposition to Motions to Dismiss Filed by Abbott, Dey and Roxane. Those exhibits, incorporated herein by reference, are true and correct copies of the documents described in the attached list.

3. I declare under penalty of perjury the foregoing is true.

Dated: November 3, 2009

Philadelphia, PA

Respectfully submitted,

/s/ Susan Schneider Thomas

Susan Schneider Thomas BERGER & MONTAGUE, P.C. 1622 Locust Street Philadelphia, PA 19103

Tel: 215-875-3000

CERTIFICATE OF SERVICE

I hereby certify that on November 3, 2009, I caused a true and correct copy of the Declaration of Susan Schneider Thomas Submitting Exhibits Relied Upon in Ven-A-Care of the Florida Keys, Inc.'s Combined Opposition to Motions to Dismiss Filed by Abbott, Dey and Roxane to be served via LEXIS File & Serve electronic filing service pursuant to CMO #2 in this case.

/s/ Susan Schneider Thomas
Susan Schneider Thomas
Berger & Montague, P.C.